



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

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A. Application Information

TUCKER COMMONS REZONING

Applicant: Christina Tucker

Represented By: HJA Design Studio, Michael Houston

Property Owner: Same as Applicant

Planner-in-charge: Irene A. Szedlmayer, AICP

Growth Management Director: Nicki van Vonno, AICP

Project Number: CPA 19-20, Tucker Commons

Application Submitted: 06/18/2019

Date of Staff Report: 10/3/2019

LPA Meeting Date: 10/17/19

BCC Meeting Date: 10/23/19

B. Project description and analysis

1. Introduction

This application involves 0.755 acres comprising five, vacant, platted lots of record on SW Mapp Road in the Old Palm City Community Redevelopment Area. See Figures 1 and 2. It is the companion application to CPA 19-20, Tucker Commons, which requests an amendment of the Future Land Use Map to change the future land use designation from Commercial Office/Residential (Lots 9 through 12) and Low Density Residential (Lot 13) to General Commercial.

Regarding the Zoning Atlas, the Applicant has requested that the R3-A zoning district (Liberal Multiple-Family) on Lots 9 through 12, Block N, Cleveland Addition Plat, and the R-2B zoning district (Single-Family Residential) on Lot 13, Block N, Cleveland Addition Plat, be changed to the GC (General Commercial) zoning district. The entire subject property is located within the Old Palm City Mixed-Use Future Land Use Overlay, but only Lots 9 through 12 are within the Old Palm City Town Center Zoning Overlay. Lot 13 is outside of the Town Center Zoning Overlay. See Figures 3 and 4. Therefore, the Applicant also

requested that the Town Center Zoning Overlay be expanded to include Lot 13. Pursuant to Section 3.260.B., LDR, the procedure to modify the boundary of a Redevelopment Zoning Overlay is the same as that for amendment of the Zoning Atlas.

Special Note: At the drafting of this report (10-3-19), a new chapter had been adopted in the Comprehensive Plan. However, Chapter 18, CRA is not yet effective. The analysis in this staff report is based upon currently applicable policies in the Comprehensive Growth Management Plan and the Future Land Use Map (an exhibit to the Comp. Plan.) and the currently applicable Land Development Regulations and Zoning Atlas (an exhibit to the zoning regulations).

Figure 1. Location Map (boundary of CRA shown in black)

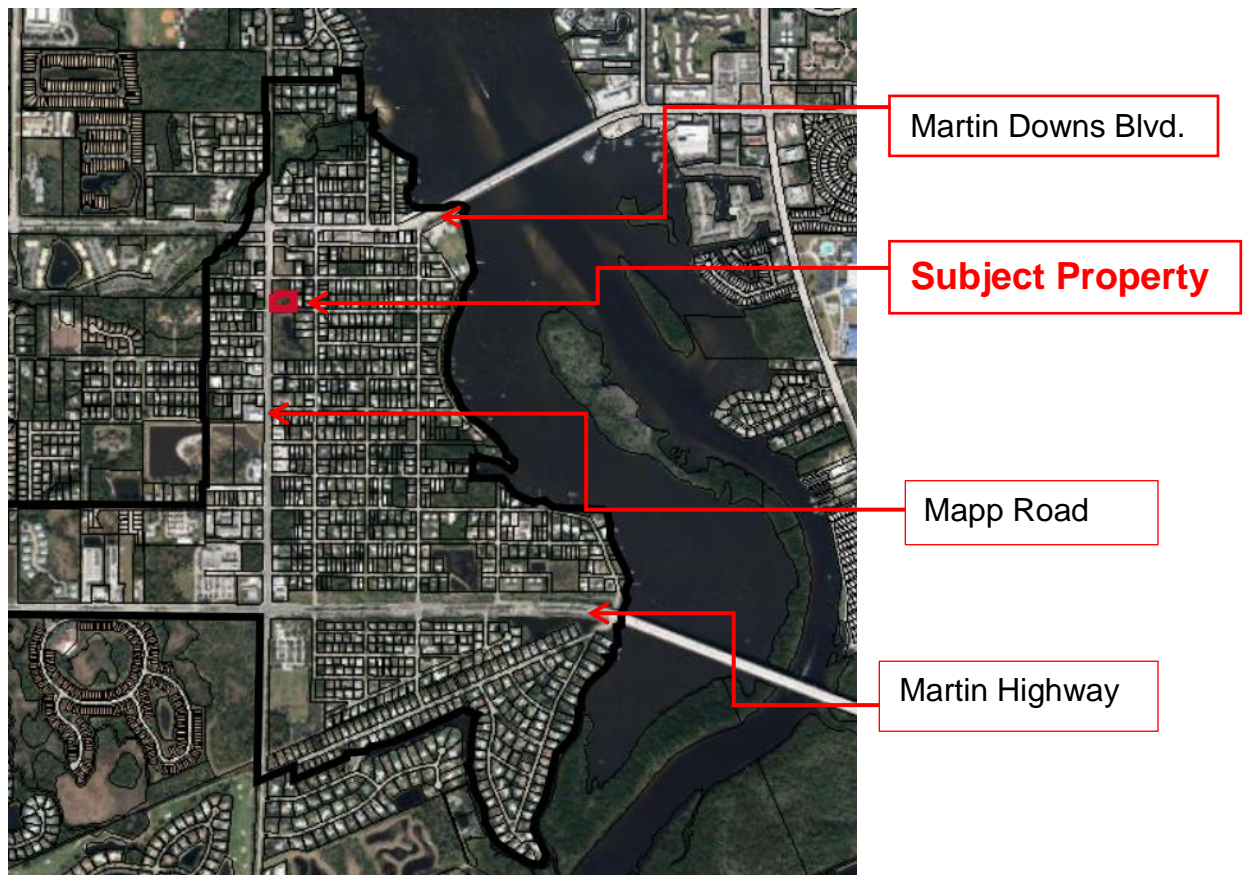


Figure 2. Subject Property



Fig. 3. Mixed-Use Future Land Use Overlay (Future Land Use Map)



Fig. 4. Town Center Zoning Overlay (Zoning Atlas)



Land areas within the CRA Zoning Overlays are often described as having an “underlying zoning district.” In this case, because Lots 9 through 12 are in the Town Center Zoning Overlay, the R-3A zoning is considered the “underlying” zoning. That is a misnomer. While the Zoning Atlas has retained the R-3A zoning (and other “underlying” zoning districts in other CRA Zoning Overlays), it is the CRA Zoning Overlay that governs permitted uses and development standards. On lots 9 through 12, the R-3A zoning is effectively superseded by the Old Palm City Town Center Zoning Overlay. However, it is appropriate to retain an underlying zoning district to be consistent with the treatment of all other properties within a CRA Zoning Overlay.

Regarding Lot 13, the Town Center Mixed-Use Overlay (Future Land Use Map) already permits a combination of residential and commercial uses on Lot 13. The proposed future land use is General Commercial for Lot 13. For this lot, the applicant has requested GC as well as the expansion of the Town Center Zoning Overlay to be consistent with the Mixed-Use Overlay. Regardless of the underlying zoning district (GC), the Town Center Zoning Overlay is the zoning district.

This next section of the report will review the permitted uses and development standards in the current R-2B zoning district and the requested Town Center Zoning Overlay.

2. Permitted Uses

The Town Center Zoning Overlay governs the permitted uses for Lots 9 through 12. §3.265.B.1., Land Development Regulations, Martin County Code (hereinafter, LDR). These permitted uses will not change regarding these lots. Therefore, this staff report will not discuss the permitted uses for the GC zoning district on Lots 9 through 12.

The permitted uses on Lot 13 are currently controlled by the R-2B zoning district, §3.265.C.1., LDR. Detached single-family dwellings and institutional uses are permitted. Table 3.11.3, LDR. The only commercial uses permitted within the R-2B zoning district are Bed and Breakfast Inns, Commercial Day Care, Family Day Care, and Golf Courses. Table 3.11.3, LDR. The amendment of the Town Center Zoning Overlay to include Lot 13 will expand the list of permitted uses for Lot 13. The Town Center Zoning Overlay permits numerous commercial uses including offices, restaurants, financial institutions, medical services, and retail sales. The full list of permitted uses in the R-2B zoning district and in the Old Palm City Town Center Zoning Overlay are identified in Exhibit A.

3. Development Standards

The development standards for Lots 9 through 12 are determined by the Town Center Zoning Overlay. §3.265.B.2., LDR. These will not change regarding these lots.

The current development standards applicable to Lot 13 are mostly found in §3.265, Old Palm City Community Redevelopment Area, LDR. The one exception is that minimum open space is governed by the R-2B zoning district. The development standards applicable within Old Palm City Town Center Zoning Overlay and to the construction of a single-family residence in the R-2B zoning district in the Old Palm City CRA are set forth in Table 2.

4. Adjacent Zoning districts

The adjacent zoning districts are:

North: Town Center Zoning Overlay and R-2B

South: Town Center Zoning Overlay and R-2B

East: R-2B

West: Town Center Zoning Overlay (across Mapp Road)

Table 2. Development Standards in the Old Palm City Town Center Zoning Overlay and the R-2b zoning district

	§3.265	Town Center¹
Min. Lot Area (sq. ft.)	NA	none
Min. Lot Width (feet)	50	none
Max. Hotel Density	NA	20 upa
Max. Res. Density	1 du/lot	15 upa
Min. Building Height	NA	1 story/18 ft.
Max. Bldg. Height	3 stories or 35 ft.	2 stories or 28 ft.
Max. Building Coverage	NA	80%
Min. Open Space	30%	20%
Setback- front	5 to 25 ft.	0 to 10 ft.
Setback- rear	10 ft. for principal residence; 5 ft. for accessory bldg.	10 ft.
Setback- side	6, 8, 10 ft. for 1, 2 and 3 stories	0 or 5 ft.
Porch	A front porch is required.	NA

¹ These are the standards applicable to mixed-use projects. If a single-use project is proposed, the stricter of the standards based on the future land use designation or the Zoning Overlay applies.

The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories, which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these [LDR]. All goals, objectives, and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.

The extension of the Town Center Zoning Overlay to include Lot 13 must be evaluated pursuant to the criteria set forth in Section 3.2.E., LDR. They are as follows:

- a. Whether the proposed zoning amendment is consistent with all applicable provisions of the Comprehensive Plan.

The Town Center Zoning Overlay implements the Plan Policies for the Mixed-Use Future Land Use Overlay. Therefore, re-zoning Lot 13 from R-2B to Town Center Zoning Overlay is consistent with the CGMP. The Town Center Zoning Overlay is also consistent with the proposed future land use designation, General Commercial.

- b. Whether the proposed zoning amendment is consistent with all applicable provisions of the LDR.

It is consistent with all applicable provisions of the LDR.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use.

The Town Center Zoning Overlay is compatible with the uses in the Mixed-Use Overlay for the CRA Town Center and the nearby residential and civic uses.

The detached single-family residence adjacent to the east was constructed in 2015. Half of the land on which it is situated has been within the Mixed-Use Future Land Use Overlay since 2004. Policies and standards in both the Comprehensive Growth Management Plan and LDR will require that a landscape buffer be provided by a commercial development on the subject property.

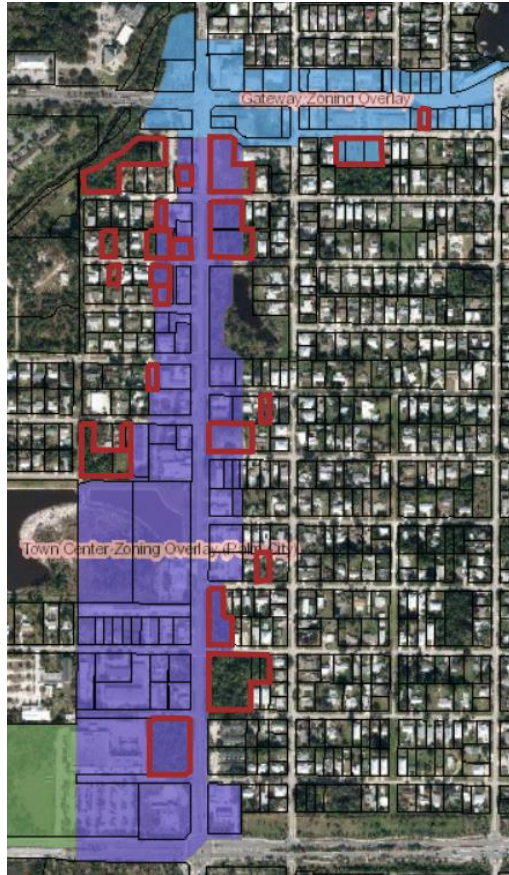
- d. Whether and to what extent there are documented changed conditions in the area.

The R-2B zoning district was applied in 1967. The Town Center Zoning Overlay was applied in 2004 as part of the determination that the area was in need of redevelopment. In the general vicinity the area has not attracted the in-fill development and redevelopment depicted in the Old Palm City Redevelopment Plan, as evidenced by the vacant parcels. In this case, lack of change, as opposed to documented change, may indicate that a new zoning district is appropriate. See Figure 7.

- e. Whether and to what extent the proposed amendment would result in demands on public facilities.

The maximum intensity of development that is permitted is being changed only for one 7,000 square foot lot (Lot 13). The maximum intensity of development is not being changed for Lots 9 through 12. Commercial development generally places higher demands on some facilities and services such as transportation and residential development generally places higher demand on other facilities and services, such as schools and parks. Any increased demand on public facilities resulting from development on 7,000 square feet will be modest. A mixture of residential and commercial development is already possible on Lot 13.

Figure 7. Vacant Land in and near the Old Palm City Town Center Zoning Overlay
(publicly-owned land is excluded)



- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the County's resources.

Because Lot 13 is located within the Old Palm City Mixed-Use Future Land Use Overlay and because Lot 13 is under the same ownership as Lots 9 through 12 which are also in the Town Center Zoning Overlay, including Lot 13 also in the Town Center Zoning Overlay would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the County's resources.

- g. Consideration of the facts presented at the public hearings.

Whatever facts are presented at the public hearings on this application should be taken into account in the decision-making. The application requires two public hearings--one before the Local Planning Agency, which will make a recommendation on the request, and one before the Board of County Commissioners, which will take final action on the request. The hearings provide the public an opportunity to participate in the review and decision-making process.

D. Staff Recommendation

The staff recommendation regarding this application is as follows:

1. The Old Palm City Town Center Zoning Overlay shall be retained on Lots 9 through

12.

2. Amend the Zoning Atlas to expand the Old Palm City Town Center Zoning Overlay to include Lot 13, Block N, Cleveland Addition Plat.
3. Amend the Zoning Atlas to change the zoning districts on Lots 9 through 13 from R-3A and R-2B to GC.

The staff recommendation aligns the Old Palm City Town Center Zoning Overlay with the Mixed-Use Future Land Use Overlay regarding the Applicant's property. Lots 9 through 13, Cleveland Addition Plat, will be governed by the Old Palm City Town Center Zoning Overlay, the Old Palm City Mixed-Use Future Land Use Overlay, and the General Commercial future land use designation.

Re-zoning does not require site plan review. Therefore, departments related to site plan review were not included in this re-zoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Irene A. Szedlmayer	288-5930	Comply
G	Development Review	Irene A. Szedlmayer	288-5930	Comply
S	County Attorney	Krista A. Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Irene A. Szedlmayer	288-5930	Exempt

The choice of the most appropriate zoning district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the "standards for amendments to the zoning atlas" provided in Section 3.2 E.2., Land Development Regulations (LDR), Martin County Code (MCC).

E. Review Board action

A review and recommendation is required on this application from the LPA. Final action on this application is required by the BCC. Both the LPA and the BCC meetings must be advertised public hearings.

F. Location and site information

Location: The northeast corner of SW Mapp Road and SW 29th Street in the Old Palm City CRA.

Parcel number: [173841010014000900](#)

Zoning: Current: Old Palm City Town Center Zoning Overlay and R-3A (Liberal Multiple Family) for Lots 9 through 12; R-2B (Single-Family Residential) for Lot

13.

Requested: GC (General Commercial) for Lots 9 through 13 and extension of Town Center Zoning Overlay to include Lot 13.

Future Land Use: Current: Commercial Office/Residential on Lots 9 through 12;
Low Density Residential for Lot 9;
Mixed-Use Future Land Use Overlay for entire property

Requested: General Commercial for entire property; no change regarding the Mixed-Use Future Land Use Overlay.

Commission District:	5
Community Redevelopment Area:	Old Palm City
Municipal Service Taxing Unit:	District 5
MSTU Planning Area:	Old Palm City

G. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Findings of Compliance:

The Growth Management Department Comprehensive Planning Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan issues associated with this application.

H. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Findings of Compliance:

The Growth Management Department Comprehensive Planning Division staff has reviewed the application and finds it in compliance with the applicable regulations. No unresolved land use, zoning, or procedural issues are associated with this application.

Additional Information:

Changes to the zoning atlas authorize no development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any specific issues will be addressed at such time as development of the subject site is proposed.

I. Determination of compliance with legal requirements - County Attorney's Office

Review is ongoing.

Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee: Amount</i>	<i>Fee Payment:</i>	<i>Balance</i>
Comprehensive Plan Amendment fee:	\$6,100	\$6,100	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

J. General application information

Applicant and Property Owner and Agent for Property Owner: see first page

K. Acronyms

ADAAmericans with Disability Act
 AHJ.....Authority Having Jurisdiction
 ARDP.....Active Residential Development Preference
 BCCBoard of County Commissioners
 CGMP.....Comprehensive Growth Management Plan
 CIECapital Improvements Element
 CIPCapital Improvements Plan
 FACBCFlorida Accessibility Code for Building Construction
 FDEPFlorida Department of Environmental Protection
 FDOT.....Florida Department of Transportation
 LDRLand Development Regulations
 LPA.....Local Planning Agency
 MCCMartin County Code
 MCHD.....Martin County Health Department
 NFPANational Fire Protection Association
 SFWMDSouth Florida Water Management District
 W/WWSA....Water/Waste Water Service Agreement

L. Attachments

Attachment A. Table of Permitted Uses for the Old Palm City Town Center Zoning Overlay and the R-2B Zoning District.

Application Materials

Correspondence

Public Notice

Exhibit A
PERMITTED USES
Excerpts from TABLE 3.11.2 and Table 3.265.1
for the R-2B (Single-Family Residential) Zoning District
and the Old Palm City Town Center Zoning Overlay

USE CATEGORY	R-2B	Town Center
<i>Residential Uses</i>		
Apartment hotels		P
Modular Homes	P	
Multifamily dwellings		P
Single-family detached dwellings	P	
Townhouse dwellings		P
Zero lot line single-family dwellings		P
<i>Public and Institutional Uses</i>		
Administrative services, not-for-profit		P
Community centers	P	P
Cultural or civic uses		P
Educational institutions	P	P
Neighborhood Assisted residences with 6 or fewer residents	P	
Places of worship	P	P
Post offices		P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Utilities	P	P
<i>Commercial and Business Uses</i>		
Bed and breakfast inns	P	P
Business and professional offices		P
Commercial amusements, indoor		P
Commercial day care	P	P
Family day care	P	

USE CATEGORY	R-2B	Town Center
Financial institutions		P
Golf courses	P	
Hotels		P
Medical services		P
Parking lots and garages		P
Restaurants, convenience, without drive-through facilities		P
Restaurants, general		P
Retail sales and services, Limited		P
Retail sales and services, General		P
Shooting ranges, indoor		P
Trades and skilled services		P
Veterinary medical services		P